

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of March 25, 2004, in which the Examiner rejected all pending claims 1 through 9 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,487,410 ("**Kontio**") in view of U.S. Patent No. 5,903,846 ("**Finch**").

By the present amendment, Applicants have amended claim 1 (to clarify that the fixed network devices are in a single network and thus some of those devices communicate "with either static or the mobile subscriber units"). New claims 10, 11 and 12 have recitations similar to those in claim 1 pertaining to the network environment of Applicants' invention, but in claims 10 and 11 have alternative recitations of methods for acquiring and managing communication modes, and in claim 12 have a recitation of acquisition protocols (including a static mode and a mobile mode). New claims 13 through 21 (having limitations similar to those in claims 1 through 9) depend from new independent claim 12.

Applicants' respectfully traverse the rejection of claims 1 through 9 under 35 USC §103 based on **Kontio** and **Finch**, and also submit that new claims 10 through 21 are likewise distinguishable from **Kontio** and **Finch**.

Applicants' invention, as exemplified in claim 1, relates to a method for acquiring and managing communication modes for maximizing the performance of mobile subscriber units in a wireless network, where the subscriber units operate in both a static state and a mobile state. In particular, Applicants' claims recite such a method having the steps of sensing whether the subscriber units are static or mobile based on the quality of communications links with nearby fixed network devices, and enabling an acquisition protocol suited to the static mode and the mobile mode. As described in the specification, the protocol is suited for devices having both modes in order to maximize total overall performance by transitioning between a higher performance static mode and a lower speed, trimmed down mobile state. In the embodiment of claim 1, the method has an acquisition protocol that is suited for both modes, and an acquisition protocol suited to mobile mode when in the subscriber unit is in a mobile state and suited to a static mode when the subscriber unit is in a fixed (static) state.

Turning to the references (**Kontio** and **Finch**) cited by the Examiner, **Kontio** discloses a multimode terminal or telephone that operates in either a cordless (DECT) network or a separate mobile (GSM) network, with the networks overlapping so that if the cordless radio signals to the nearby cordless base stations are weak, the terminal can switch to base stations of the GSM network covering the same area. In **Kontio**, there are two distinct and different networks (DECT and GSM) that have overlapping coverage. The base stations that serve the terminal in the cordless mode are not the same base stations as those that serve the terminal in the GSM mode. The handover from one network to the other network is not based on whether a terminal is static or mobile, but rather which one of the two networks can better serve the terminal. The Examiner combines **Kontio** with **Finch**, stating that **Finch** shows enabling an acquisition protocol.

Unlike **Kontio**, the subscriber units in Applicants' invention do not switch between two networks (e.g., a "static" network and a "mobile" network). Rather, in Applicants' invention, acquisition protocols permit subscriber units to switch between a static mode and mobile mode, while in the same, single wireless network.

Thus, **Kontio** clearly does not show or suggest (either alone or as combined with **Finch**) the subject matter of claim 1 (or the other independent claims 10, 11 and 12), such as a single network of fixed network devices (thus having the single network characteristic of at least some base stations or network devices "communicating with either static or mobile subscriber units"). Further, **Kontio** does not show or suggest protocols or communications modes "suited to mobile mode for mobile subscriber units and static mode for fixed subscriber units", as also recited in claim 1 and in the other independent claims.

For the forgoing reasons, claims 1, 10, 11 and 12 are believed allowable over **Kontio** (whether or not combined with **Finch**). Dependent claims 2 through 9 and 13 through 21 recite limitations in addition to those in their respective independent claims, and for the same reasons are likewise believed allowable over **Kontio** and **Finch**.

Appl. No. 09/894,854
Amdt. dated June 10, 2004
Reply to Office Action of March 25, 2004

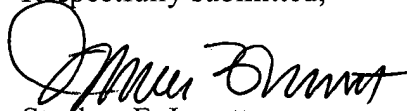
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen F. Jewett", is written over a circular stamp or seal.

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